

By: Ellis

S.B. No. 1820

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the attorney general to recover a civil
3 penalty from certain nonprofit hospitals.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 311.048, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 311.048. RIGHTS AND REMEDIES. (a) The rights and
8 remedies provided for in this subchapter are cumulative of other
9 rights and remedies provided by law, and shall not limit, affect,
10 change, or repeal any other statutory or common-law rights or
11 remedies available to the state or a nonprofit hospital.

12 (b) The attorney general may bring suit against a nonprofit
13 hospital or a member of the governing board of a nonprofit hospital
14 to restrain or prevent the member from violating or continuing to
15 violate this subchapter. The attorney general may bring suit under
16 this subsection for:

17 (1) damages;

18 (2) injunctive relief; or

19 (3) any other equitable remedy determined to be
20 appropriate by the court.

21 (c) In addition to the request for injunctive relief under
22 this section, the attorney general may request, and the trier of
23 fact may award, a civil penalty to be paid to the state in an amount
24 not to exceed four percent of the hospital's net patient revenue.

1 (d) Venue for a suit under this section is in the district
2 court in the county in which the hospital is located or in Travis
3 County.

4 (e) In a proceeding brought by the attorney general under
5 this section, the attorney general is entitled to recovery of
6 reasonable attorney's fees, investigative costs, and court costs.

7 (f) Section 311.045(e) does not prevent the attorney
8 general from bringing an action under this section.

9 SECTION 2. This Act takes effect September 1, 2011.